

[Service Date April 17, 2009]

April 17, 2009

**NOTICE OF OPPORTUNITY TO FILE COMMENTS
ON PROCEDURAL SCHEDULE
(Comments due by Friday, April 24, 2009)**

RE: *In re Application of Freedom 2000, LLC for a Certificate of Public Convenience and Necessity to operate motor vehicles in furnishing solid waste collection service; Docket TG-081576*

TO ALL PARTIES:

On August 26, 2008, Freedom 2000, LLC (Freedom) filed with the Washington Utilities and Transportation Commission (Commission) an application for a certificate of public convenience and necessity to operate motor vehicles in furnishing solid waste collection service consisting of only source-separated recyclable materials collected from single and multi-family residences within Point Roberts, Washington. On October 16, 2008, Points Recycling and Refuse, LLC (Points) filed a protest to the application. Points holds a Commission-issued certificate, G-155, and tariff, Tariff No. 1, authorizing it to collect curbside recycling for Point Roberts, Washington.¹

The Commission convened a prehearing conference in this matter on December 8, 2008. At the prehearing conference, the parties acknowledged that the Commission is concurrently addressing: 1) Docket TG-080913, which involves a tariff filing by Points to remove curbside recycling from the Company's tariff; 2) Docket TG-081089, which involves the complaint filed by Whatcom County against Points to revoke Points' certification as the designated hauler for Point Roberts; and 3) Docket TG-082129 (along with Dockets TG-080913 and TG-081089, "consolidated dockets"), which also involves a complaint against Points filed by Renee Coe, Shelley Damewood, and Shannon Tomsen.² Since the Commission's decision in the

¹Points ceased curbside recycling collection within Point Roberts, Washington, in January 2008. See, Points' letter to the Commission, Docket TG-080913.

²A fourth docket, Docket TG-080914 involving a tariff filing by Points to add the company-specific definition of "Alternative Daily Landfill Cover" to Points' tariff, was initially

consolidated dockets could affect the issues raised by Freedom's application, the parties agreed that the best course of action would be to schedule another prehearing conference on Freedom's application after a final order is issued in the consolidated dockets.³ The Commission scheduled a status conference for May 4, 2009, to evaluate the progress of the consolidated dockets.

On March 18, 2009, Commission Staff filed an agreed request to suspend the procedural schedule in the consolidated dockets to allow additional discovery time and suggested convening a prehearing conference in late-July 2009 to set dates for a new procedural schedule. The Commission convened a status conference in the consolidated dockets on April 6, 2009, and Staff informed the Commission that it had propounded data requests to Points seeking audit information. Staff asserted that it would need four to six weeks to process Points' response to the data requests. To prevent the case from becoming mired in discovery, the Commission scheduled a status conference in the consolidated dockets for June 5, 2009, to discuss a new procedural schedule.

Given the additional delays in the procedural schedule of the consolidated dockets, the Commission invites the parties to file comments **by Friday, April 24, 2009**, regarding whether the May 4, 2009, status conference in Docket TG-081576 is still appropriate or necessary and if it is not, a proposed revised procedural schedule in this matter.

NOTICE IS GIVEN That parties may submit comments on whether to proceed with the May 4, 2009, status conference in Docket TG-081576 and proposed revised procedural schedule in this matter. Parties must file an original and four (4) paper copies of their comments with the Commission by **Friday, April 24, 2009**.

Sincerely,

MARGUERITE E. FRIEDLANDER
Administrative Law Judge

consolidated with Dockets TG-080913, TG-081089, and TG-082129. However, on January 15, 2009, the Commission granted Points' request to withdraw the filing in Order 05/03.

³Thompson, Tr. 8:14-17.